

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 667 - HB 880

March 16, 2021

**SUMMARY OF ORIGINAL BILL:** Requires the Department of Health (DOH) and its Division of Health-Related Boards to conduct a study on the licensure and regulation of cannabis for medical use by the departments of health and medical professional licensing boards of states contiguous to Tennessee. Requires the DOH to reports its and the Division's findings to the appropriate legislative committees by December 15, 2020.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (005183):** Deletes all language after the enacting clause. Excludes from the definition of "marijuana", the cannabis plant or its derivatives if a person in possession of the cannabis or derivatives retains proof that a licensed doctor or doctor of osteopathic medicine has diagnosed the person or the person's child, legal ward, conservatee, or spouse, with a debilitating medical health disease.

Requires the cannabis or its derivative to be legally obtained to treat the debilitating medical health disease from a licensed medical marijuana dispensary, in a jurisdiction where the sale of the cannabis or its derivative is lawful and for (1) the cannabis or its derivative to be contained in the original packaging and labeled by the dispensary for medical use; and (2) the cannabis or its derivative not to be in a form intended to be smoked or inhaled as vapor, including vape or vaporization pens and cartridges and; (3) for the person in possession of such to have no more than a 30-day supply.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Tenn. Code Ann. § 39-17-402(16)(A) defines marijuana as all parts of the plant cannabis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, including concentrates and oils, its seeds or resin.

- Pursuant to Tenn. Code Ann. § 39-17-415(a), marijuana is a Schedule VI drug.
- Pursuant to Tenn. Code Ann. § 39-17-417, it is an offense to manufacture, deliver, sell, or possess a controlled substance.
- Excluding from the definition of “marijuana” the cannabis plant or its derivatives if a person in possession of such retains proof that a licensed doctor or doctor of osteopathic medicine has diagnosed the person or the person's child, legal ward, conservatee, or spouse, with a debilitating medical health condition will not result in a significant fiscal impact.
- It is assumed that doctors in Tennessee are not currently prescribing illegal controlled substances in violation of state law, therefore authorizing the possession and use of cannabis or its derivatives under such circumstances will not result in a significant impact to the Tennessee Department of Corrections or local jails.
- The proposed legislation will not result in a significant impact to the Department of Health.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/lm